

**OPTOMETRY EXAMINING BOARD  
MINUTES  
SEPTEMBER 16, 2010**

**PRESENT:** Swaminat Balachandran (via telephone at 9:04 a.m.), Ann Meier Carli, Richard Foss, Gregory Foster, Kathi Leach, Richard Wright

**STAFF:** Nora Wilson, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

**GUESTS:** Peter Theo, WOA

**CALL TO ORDER**

Gregory Foster, Chair, called the meeting to order at 9:01 a.m. A quorum of five (5) members was confirmed.

**APPROVAL OF AGENDA**

**Amendments:**

- Item “F” – regarding Administrative Warning in case 06 OPT 013 – removed from the agenda and postponed to the next meeting
- Item “G” – regarding Proposed Ruling on Petition for Fees...Herbert T. Webb, OD - Additional information should be inserted after page 38

**MOTION:** Kathi Leach moved, seconded by Ann Carli, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 10, 2010**

**MOTION:** Swaminat Balachandran moved, seconded by Ann Carli, to approve the minutes of June 10, 2010 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Greg Foster introduced the new Bureau Director, Nora Wilson. Ms. Wilson said she is looking forward to working with the Board.

New board member orientation was held in July and the feedback was very positive. Case advisor training will be held on September 30 and the agenda for that meeting is included in today's board agenda. Training for board chairs, vice chairs and public members will be held at the Concourse Hotel in Madison on December 2-3, 2010. Board members are encouraged to attend the trainings offered by the Department.

The 2011 meeting dates will be March 31, June 9, September 15 and November 17.

### **GUIDELINES FOR RECUSAL**

Legal Counsel Michele Miller Hayes spoke to the Board regarding recusal from deliberation of discussions on disciplinary cases. Board members should not recuse themselves when it is not necessary to do so. The board members should recuse themselves to avoid conflicts of interest or the appearance thereof. Michele Miller Hayes asked the board members to contact her in advance of the meeting if they have any concerns regarding recusal as this will help to avoid quorum issues on the meeting days.

### **PRACTICE QUESTIONS**

#### **Are Wisconsin Licensees Able to Advertise That They Are Board Certified?**

The Board discussed whether or not Wisconsin optometrists are allowed to advertise they are board certified. Advertising cannot create false expectations of additional training or experience. The Board was unable to reach a determination on this issue and the discussion was tabled until further information is available from ABO.

### **PRACTICE QUESTIONS RECEIVED AFTER MAILING OF THE AGENDA OR BY LEGAL COUNSEL**

There were no additional practice questions.

### **CORRESPONDENCE AND INQUIRIES RECEIVED BY LEGAL COUNSEL**

No items were received.

### **PUBLIC COMMENTS**

Tony Driesen commented the Board is doing a great job.

**CONVENE TO CLOSED SESSION**

**MOTION:** Gregory Foster moved, seconded by Swaminat Balachandran , to adjourn to closed session pursuant to Wisconsin Statutes 19.85(1)(a)(b)(f) and (g), to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Swaminat Balachandran-yes; Ann Meier Carli – yes; Richard Foss – yes; Gregory Foster – yes; Kathi Leach – yes; Richard Wright – yes. Motion carried unanimously.

Open session recessed at 9:49 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Swaminat Balachandran moved, seconded by Ann Meier Carli, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 11:16 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF  
VOTING IS APPROPRIATE**

**APPEARANCE RELATING TO ADMINISTRATIVE WARNING IN CASE 06 OPT 013**

This item was removed from the agenda and postponed to the next meeting.

**PROPOSED DECISION AND ORDER**

**HERBERT TUCKER WEBB, OD  
DHA CASE NO. DRL 09-0028/DOE CASE NO. 04 OPT 002**

**MOTION:** Swaminat Balachandran moved, seconded by Ann Meier Carli, to adopt the ALJ's decision for fees and costs. Motion carried three (3) to one (1) with Richard Foss dissenting. Gregory Foster and Kathi Leach were excused during deliberation and abstained from voting.

**MONITORING**

**WILLIAM H MYERS, OD  
06 OPT 012**

**MOTION:** Ann Meier Carli moved, seconded by Swaminat Balachandran, to issue an Order suspending the license of William H. Myers, OD, for violation of his Board Order. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Swaminat Balachandran moved, seconded by Richard Wright, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:24 a.m.

**THE NEXT MEETING IS NOVEMBER 18, 2010**